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09/961,053	09/24/2001	Tetuyuki Tohyama	D-1178	5202

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/961,053

Applicant(s)

TOHYAMA ET AL.

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's amendment filed on June 9, 2005 has been entered and made of record.

Applicant's arguments with regards to the amended claims have been considered, but are moot in view of the new grounds of rejection. Regarding newly added claim 20, applicant argues that the cited JP 11-032164 does not disclose the arrangement of the first and second carriages. Examiner disagrees. There is no mention of the location of these carriages in the applicant's disclosure. There are shown in the drawings as being under the reading stations. The cited JP reference also shows the carriages located under the reading stations.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-12, 15, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanji (U.S. Patent No. 6,122,077).

Regarding claim 1, Kanji discloses an image reading apparatus having a reading mode for reading an image on a still document and a reading mode for reading an image on a moving document, comprising; a first reading station for reading an image of a still document, a second

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reading station situated adjacent to the first reading station for reading an image on one surface of a moving document, a third reading station situated adjacent to the second reading station at a side opposite to the second reading station for reading an image on the other surface of the moving document, said first, second and third reading stations being arranged adjacent to each other in this order, first reading means (10) arranged to move between the first reading station and second reading station adjacent thereto, said first reading means being moved for reading the image of the still document at the first reading station and to be disposed immovably for reading the image on the one surface of the moving document at the second reading station, second reading means (20) for reading the image on the other surface of the document moving at the third reading station situated at a side opposite to the second reading station, a supply tray (181) to stack the document, a transport path to guide the document on the supply tray from a portion between the first and second reading stations to the second reading station and the third reading station in this order in a direction opposite to the first reading station, and a discharge tray (182) to store the document read at the second reading section and the third reading station (figs 2,3 col. 6 line 44 through col. 7, line 39).

Regarding claim 2, Kanji discloses an image reading apparatus according to claim 1, wherein said first reading means and said second reading means are arranged to sandwich the transport path (figs. 2 & 3).

Regarding claim 3, Kanji discloses an image reading apparatus according to claim 2, wherein said first reading means is immovably located in a position at least partly overlapping the second reading means in a vertical direction to read the document passing through the second reading means (figs. 2 & 3).

Regarding claim 6, Kanji discloses an image reading apparatus according to claim 1, further comprising supply means for supplying the document on the supply tray to the second reading station, discharge means for discharging the document passing through the second reading station and the third reading station to the discharge tray, said transport path extending in a same direction as a supply direction of the document supplied by the supply means and a discharge direction discharged by the discharge means (figs. 2 & 3, supply tray 181 & output tray 182).

Regarding claim 7, arguments analogous to those presented for claims 1, 2, 3 and 6 are applicable to claim 7.

Regarding claim 8, Kanji discloses an image reading apparatus according to claim 7, wherein said first contact glass, said second contact glass and said second guide means are arranged linearly in a horizontal direction (figs. 2 & 3).

Regarding claim 9, Kanji discloses an image reading apparatus according to claim 8, wherein said first contact glass, said second contact glass and said second guide means are arranged such that document guide surfaces thereof have same heights (figs. 2 & 3).

Regarding claim 10, Kanji discloses an image reading apparatus according to claim 9, wherein said second platen glass and said second guide means form a continuous flat document guide (fig. 2 & 3).

Regarding claim 11, Kanji discloses an image reading apparatus according to claim 10, wherein said second platen glass and said contact glass are formed in positions such that the document is simultaneously read by the first reading means and the second reading means (col. 7, lines 18-39).

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Regarding claim 12, Kanji discloses an image reading apparatus according to claim 11, wherein said first guide means and said contact glass are formed integrally as one unit, and said image reading apparatus further comprising supporting means for swingingly supporting said first guide means and said contact glass (figs. 2 & 3).

Regarding claim 15, Kanji discloses an image reading apparatus according to claim 13, wherein said second reading means is a contact image reading unit having a light source for illuminating the document, a SELFOC lens for collecting light and an image sensor having a sensor array for converting the light collected in the lens by the sensor array into electrical signals (fig. 2, scanning element 20, col. 7 lines 18-39 ).

Regarding claim 16, arguments analogous to those presented for claim 6 are applicable to claim 6.

Regarding claim 18 arguments analogous to those presented for claims 1, 2, 3 and 6 are applicable to claim 18.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 13, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanji (U.S. Patent No. 6,122,077) and further in view of Harada Michiya (JP Publication No. 11-032164).

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Regarding claims 4, 5, 13 and 14 Kanji does not explicitly disclose a second carriage having a mirror to guide light from the document to the lens and the image sensor. Harada Michiya discloses such an image reader (drawing 1, carriage 14). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to modify Lockwood's device to include the second carriage to reduce the optical system.

Regarding claim 20 arguments analogous to those presented for claim 1 and 4 are applicable to claim 20. Also, please refer to the arguments under the response to the amendment given above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles, Sr. can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2622  
August 20, 2005

JOSEPH R. POKRZYWA  
PRIMARY EXAMINER  
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